

SENATE JOURNAL.

THIRTY-THIRD LEGISLATURE—SECOND CALLED SESSION.

FIRST DAY.

Senate Chamber,
Austin, Texas.

Monday, August 24, 1914.

In obedience to the call of His Excellency, Hon. O. B. Colquitt, Governor of the State of Texas, convening the Thirty-third Legislature in second Special Session this the 24th day of August, 1914, the Senate met in the Senate Chamber of the Capitol in the city of Austin, at 10 o'clock a. m., and was called to order by Senator V. A. Collins, President Pro Tem. of the Senate, elected at the close of the First Called Session of the Thirty-third Legislature.

ROLL CALL.

The Chair appointed W. V. Howerton Temporary Secretary and directed the roll called. A quorum was announced present, the following Senators answering to their names:

Astin.	Johnson.
Bailey of De Witt.	Lattimore.
Bailey of Harris.	McGregor.
Brelsford.	McNealus.
Carter.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Hall.	Westbrook.
Harley.	Wiley.

Absent.

Clark.	Morrow.
Hudspeth.	Willacy.

Prayer by Rev. H. M. Sears of Austin.

PROCLAMATION BY THE GOVERNOR.

The Chair had the following read to the Senate:

Whereas, On account of the lack of

storage facilities in this State, many hundred thousand bales of cotton are stored in open yards, resulting in loss and damage to the owners, estimated in Texas for the last season at several million dollars; and on the account of the unexpected outbreak of war between the nations of Europe which consume annually over forty-five per cent of the cotton crop of the United States, the market for cotton is greatly curtailed, thus making some provision for storing and holding cotton in good condition and enabling the owners to borrow money on it at reasonable rates, imperative. There being no adequate law providing for the building and operation of warehouses at the public expense by cities and towns of the State, or by individuals and corporations under bond, and the need for such a law being apparent, justifies an extra session of the Legislature of Texas to act upon this very important matter. Before the meeting of the regular session of the Thirty-fourth Legislature, the cotton crop will have been picked and prepared for market. To delay action, therefore, until the regular session of the Thirty-fourth Legislature would result in great loss and injury to the cotton producers and the public generally.

Now, Therefore, Being desirous in every way possible to aid and assist the producer of agricultural products, and provide facilities for storing and holding the products of the farm; the extraordinary conditions above referred to justify the Governor to convene the Legislature in extra session, and I do hereby call the same to convene at the Capitol in the city of Austin, beginning at 10 o'clock a. m., Monday, August 24, 1914, for the following purposes, to-wit:

1. The enactment of an adequate law providing for a system of public warehouses, and for the enactment of an adequate law providing for a system of bonded warehouses in which the agricultural products of this State may be stored and safely kept under public guarantees, or under bond.

2. To consider and act upon such other matters as may be presented by

the Governor, pursuant to Section 40, Article 3, of the Constitution of Texas.

In Testimony Whereof I hereunto sign my name and affix the Seal of State, at Austin, Texas, this the 15th day of August, A. D. 1914.

O. B. COLQUITT,
Governor of Texas.

By the Governor:

F. C. WEINERT,
Secretary of State.

TEMPORARY ORGANIZATION.

The Chair announced the appointment of the following temporary officers:

Secretary, W. V. Howerton, of Travis county; Journal Clerk, R. M. Gilmore, of Van Zandt county; Sergeant-at-Arms, M. F. Hornbuckle, of Bosque county; Doorkeeper, Capt. E. I. Kellie, of Jasper county; Calendar Clerk, J. C. Stanberry, of Tarrant county.

SIMPLE RESOLUTION.

Senator Watson offered the following simple resolution:

Whereas, The Honorable Will H. Mayes has tendered to the Governor his resignation as Lieutenant Governor, and

Whereas, Said resignation has been accepted and there is now a vacancy in that office, and

Whereas, The Honorable V. A. Collins was, at the end of the First Called Session of the Thirty-third Legislature, elected President Pro Tem. of the Senate, and,

Whereas, The question has been raised as to whether or not as such President Pro Tem. the said Honorable V. A. Collins has succeeded to the office of Lieutenant Governor of Texas or whether he is vested only with the powers and duties made incumbent on the Lieutenant Governor during the time intervening between the resignation of the Honorable Will H. Mayes and the election of the President Pro Tem. at the beginning of the Second Called Session of the Thirty-third Legislature; therefore, be it

Resolved, That the Senate request that the Honorable B. F. Looney, Attorney General of the State of Texas, give the Senate an official opinion at the earliest practicable time possible, of his department as to the status of said Senator Collins, and whether or not the said Senator Collins will, under the Constitution and laws, have any power or authority vested in

him after the election of President Pro Tem. other than vested in other regularly elected members of the Thirty-third Senate.

The resolution was read, and

Senator Brelsford moved that the same lay on the table subject to call. Senator McNealus moved, as a substitute, that the resolution be tabled.

Pending discussion on the above motions, a committee from the House appeared at the bar of the Senate and announced that the House was organized and ready for the transaction of business.

Action recurred on the pending motions, the question being on the substitute motion by Senator McNealus to table the simple resolution by Senator Watson.

MEMORIAL RESOLUTION.

Pending further discussion, by unanimous consent, Senator Terrell offered a memorial resolution anent the death of the late Hon. A. M. Kennedy.

The resolution was read and unanimously adopted by a rising vote. The resolution will be found on separate page.

RECESS.

Senator Nugent moved that the Senate recess until 3 o'clock today.

Senator Watson moved, as a substitute, that the Senate adjourn until 10 o'clock tomorrow morning.

Action recurred on the motion to adjourn first, which motion was lost by the following vote:

Yeas—6.

Astin.	Harley.
Bailey of DeWitt.	Terrell.
Bailey of Harris.	Watson.

Nays—17.

Brelsford.	McNealus.
Carter.	Nugent.
Collins.	Real.
Conner.	Taylor.
Cowell.	Townsend.
Greer.	Warren.
Hall.	Westbrook.
Johnson.	Wiley.
Lattimore.	

Absent.

Clark.	Morrow.
Gibson.	Willacy.
Hudspeth.	

PAIRED.

Senator McGregor (absent), who would vote "nay," with Senator Darwin (present), who would vote "yea."

The motion to recess until 3 o'clock today was adopted.

AFTER RECESS.

(Afternoon Session.)

The Senate was called to order at 3 o'clock by President Pro Tem. Collins, and, on motion of Senator Lattimore, the Senate was at ease subject call of the Chair.

At 3:20 o'clock the Senate was called to order by President Pro Tem. Collins.

SIMPLE RESOLUTION.

(Pending Business.)

Action occurred on the pending business, the motion by Senator McNealus to table the resolution by Senator Watson.

Senator Lattimore made the point of order that the resolution was out of order for the reason that the Senate was not organized.

The Chair sustained the point of order.

PRESIDENT PRO TEM.—ELECTION OF.

Regular order of business being the election of a President Pro Tem., Senator Townsend placed in nomination for that place Senator Warren.

The nomination was seconded by Senators Westbrook, Bailey of Harris, Nugent, Taylor, Willacy, Lattimore, Gibson and Watson.

There being no other nominations, the Chair declared nominations closed and called for ballots to be cast.

Senators Lattimore, Greer and Taylor were appointed tellers.

Senator Warren received 26 votes, and was declared duly and constitutionally elected President Pro Tem. of the Senate for the ensuing session.

Senators Brelsford and Willacy were appointed as a committee to escort Senator Warren to the President's stand, whereupon the constitutional oath of office was administered him by President Pro Tem. and Acting Lieutenant Governor Collins.

President Pro Tem. Warren was presented to the Senate by Senator Collins, and, after thanking the Senate for the

honor conferred upon him, called for the regular order of business.

SIMPLE RESOLUTION.

Senator Brelsford offered the following resolution:

Be it resolved, That the thanks and appreciation of this Senate be extended to Senator Collins, the retiring President Pro Tem. of this body, for the able, courteous and impartial manner in which he has discharged the responsible duties of his office; that we regret his retirement for the time being from the public service, and assure him of our best wishes for future health, prosperity and honor.

**BRELSFORD,
WILLACY.**

The resolution was read and unanimously adopted.

(Senator Collins in the chair.)

PERMANENT ORGANIZATION.

Senator Willacy offered the following several resolutions providing for the organization of the Senate:

Resolved, That the following officers and employes of the Senate be and are hereby elected to the positions opposite their names:

W. V. Howerton, Secretary of the Senate.

John D. McCall, Assistant Secretary of the Senate.

R. M. Gilmore, Journal Clerk.

T. H. Yarbrough, Assistant Journal Clerk.

J. C. Stanberry, Calendar Clerk.

Frank P. Smith, Engrossing Clerk.

J. W. Shotwell, Enrolling Clerk.

J. C. Son, Assistant Engrossing and Enrolling Clerk.

E. I. Kellie, Doorkeeper.

J. D. Egan, Assistant Doorkeeper.

M. F. Hornbuckle, Sergeant-at-Arms.

J. A. Kenny, Assistant Sergeant-at-Arms.

J. P. Hall, Second Assistant Sergeant-at-Arms.

Resolved, further, That the Secretary of the Senate be and is hereby directed to cast the entire vote of the Senate for the election of the above officers.

The resolution was read and unanimously adopted.

All the above officers except J. W. Shotwell appeared en masse before the President's stand and the oath of office was administered to them by President Pro Tem. Warren.

Be it resolved, That the salary of each officer and employe be fixed at the sum of \$5.00 per day, except the salary of the pages and porters, each of whom shall receive the sum of \$2.00 per day.

The resolution was read and adopted.

Resolved, That the following employes are hereby elected to serve during the Second Called Session of the Thirty-third Legislature in the position to which they are hereby named:

Chaplain, Rev. H. M. Sears; Postmistress, Mrs. Clyde D. Smith; Mailing and Notarial Clerk, Will H. Mayes, Jr.

The resolution was read and adopted.

Resolved, That the following named stenographers or typewriters are hereby appointed to serve during the session of the Second Called Session of the Thirty-third Legislature:

Miss Ann Howe, Miss Azile Dierlam, Matt Wilson, Garland Woodward, Miss Winnie Weddle, Miss Margaret Fry, Miss Tynes Ragsdale, Miss Allie Smith, Mrs. Nellie Shannon, Miss Nannie Smith, Miss Mary Thompson, Miss Nellie Lowdy, N. H. Rather, Miss Eula Hurlock, Austin McKinney, Miss Ada Bell, C. A. Duff, Miss Mattie Jones, Miss Theodora Bell, Miss Cassie Millhouse, Miss Daisey Reedy.

The resolution was read and adopted.

NOTIFICATION COMMITTEES.

The Chair here appointed the following Notification Committees:

To notify the Governor: McNealus, Real, and Cowell.

To notify House: Wiley, Westbrook and Gibson.

(President Pro Tem. Warren in the chair.)

BILLS AND RESOLUTIONS.

By Senator Wiley:

S. B. No. 1. A bill to be entitled "An Act construing the term Public Cotton Warehouse, providing for the construction of public cotton warehouses, requiring ginners to construct buildings and platforms for the protection of ginned cotton, directing how cotton shall be wrapped, records to be kept by ginners; construing the term warehouseman, providing for bond of warehouseman, imposing duties upon the Commissioner of Insurance and Banking, providing for the issuance of charter to warehouseman, providing for warehouseman records, and examination of public cotton warehouses, defining the term samples, loose, linter and bolly, making

warehouse receipts negotiable, providing for fees of warehouseman, examination of warehouses and charges for such examination, limited number of warehouses conducted under one charter; requiring railway companies to shed platforms and to transport cotton in closed cars, requiring compresses to be supplied with weather-proof platforms to protect cotton, requiring all persons concentrating cotton to provide suitable platforms and sheds to protect same from damage, providing penalties, repealing all laws in conflict and declaring an emergency."

Read first time and referred to Committee on Commerce and Manufactures.

By Senator Willacy:

S. B. No. 2, A bill to be entitled "An Act making appropriation to pay the per diem and mileage of members, and the per diem pay of officers and employes of the Second Called Session of the Thirty-third Legislature of the State of Texas, convened August 24, 1914, by proclamation of the Governor; providing how accounts may be approved, and declaring an emergency."

Read first time, and referred to Finance Committee.

By Senator Willacy:

S. B. No. 3, A bill to be entitled "An Act making appropriation of the sum of \$15,000, or so much thereof as may be necessary, to pay the contingent expenses of the Second Called Session of the Thirty-third Legislature of the State of Texas, convened August 24, 1914, by the proclamation of the Governor; providing how accounts may be approved, and declaring an emergency."

Read first time, and referred to Finance Committee.

SIMPLE RESOLUTION.

Senator Watson offered a resolution, copy of the same resolution offered at the morning session, and which appears in the morning proceedings, which was read.

Senator Brelsford moved that the resolution be laid on the table subject to call.

ADJOURNMENT.

Senator Bailey of DeWitt, at 4:30 o'clock p. m., moved that the Senate adjourn until 10 o'clock tomorrow morning.

The motion prevailed.

In Memory of Hon. A. M. Kennedy

Senator Terrell offered the following resolution, which was read and adopted:

Whereas, Since this Senate last adjourned, the Hon. A. M. Kennedy has been called, by death, from the walks of men to join the honored dead; and

Whereas, He was for nearly a quarter of a century connected with the work and the history of the Texas Legislature, touching it at all points from Clerk in the Senate to Speaker of the House, leaving behind him as a legislator an imperishable name, and bequeathing to posterity some of the best laws ever written in the statutes of the State; therefore, be it

Resolved by the Senate, in Special Session assembled, That this body laments his death as a legislative loss, and that in his going Texas witnessed the departure of one of her most unselfish and distinguished sons, and that the people of the State were deprived of the labors of a loyal and efficient public servant, and humanity was robbed of a faithful friend; and be it further

Resolved, That when the Senate adjourns today it do so out of respect to his life and labors, that we extend to his loving wife and devoted brothers, in their bereavement, our sincerest sympathy; that they be furnished a copy of this resolution, and that a page of the Senate Journal be set aside as a memorial to his honored and loved memory.

Signed—Real, Astin, Bailey of Harris, Watson, Conner, Gibson, Cowell, Lattimore, Nugent, Johnson, Taylor, Westbrook, Warren, Brelsford, Greer, Harley, Terrell, McNealus, Darwin, Bailey of DeWitt, Carter, Wiley, Hall, Townsend, Collins.